

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 05-CB-072214	Date Filed 01/10/2012

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring

1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name National Association of Police Organizations		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 900 E. Fayette Street P.O. Box (b) (6), (b) (7)(C) Baltimore, MD 21233		d. Tel No (410)347-4400 w	e. Cell No
		f. Fax No	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about (b) (6), (b) (7)(C) 2011, and at all times thereafter, the above-named Labor Organization, by its officers, agents and representatives, restrained and coerced the employees of the United States Postal Service in the exercise of the rights guaranteed in Section 7 of the Act by, failing to represent (b) (6), (b) (7)(C) and by entering into a settlement of (b) (6), grievance regarding a violation of the bidding process provisions in the collective-bargaining agreement			
3 Name of Employer United States Postal Service		4a. Tel. No. (410)347-4202	b. Cell No
		c. Fax No.	d. e-Mail
5 Location of plant involved (street, city, state and ZIP code) 900 E Fayette Street Baltimore, MD 21233		6 Employer representative to contact Darnell Young, Postmaster	
7. Type of establishment (factory, mine, wholesaler, etc.) Postal	8 Identify principal product or service Mail processing and distribution	9 Number of workers employed 3000	
10 Full name of party filing charge (b) (6), (b) (7)(C)		11a Tel. No (b) (6), (b) (7)(C) cell	b. Cell No (b) (6), (b) (7)(C) work
		c. Fax No	d. e-Mail
11 Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that the statements therein are true to the best of my knowledge and belief By (b) (6), (b) (7)(C), An Individual (signature of representative person making charge) (Print/type name and title or office, if any) (b) (6), (b) (7)(C) Address (b) (6), (b) (7)(C) (date) 01/06/12		Tel. No. (b) (6), (b) (7)(C) cell Cell No (b) (6), (b) (7)(C) work Fax No. e-Mail	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

Region 5  
103 S. Gay St.  
8th Floor  
Baltimore, MD 21202-7500

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

February 21, 2012

(b) (6), (b) (7)(C)

Re: National Association of Police  
Organizations  
(United States Postal Service)  
Case 05-CB-072214

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that the National Association of Police Organizations has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have concluded that further proceedings are not warranted and I am dismissing your charge for the following reasons.

The charge alleges that the National Association of Police Organizations, herein called the Union, violated Section 8(b)(1)(A) of the Act by refusing to process your grievance over the Employer's failure to post positions.

Specifically, you alleged the Union refused to process beyond step two of the contractual grievance procedure your (b) (6), (b) (7)(C) 2011 grievance (b) (6), (b) (7)(C) regarding the Employer's failure to post three positions formerly held by employees who had been allowed to switch tours with each other. After reviewing your grievance, the Union declined to appeal it beyond step two. According to the investigation, in (b) (6), (b) (7)(C) 2011 the Union entered into a settlement agreement with the Employer in grievance (b) (6), (b) (7)(C) preventing it from grieving staffing decisions for the positions in question. The parties agreed the positions in question were not vacant, as you believed. Rather, the switch among employees who staffed the positions fell under the mutual exchange provision in the contract and, therefore, did not require posting.

You presented no evidence that the Union was motivated in its decision by arbitrary, irrelevant or discriminatory reasons. While a union owes employees a duty of fair representation with regard to disputes arising with an employer, it is afforded a wide range of reasonableness in carrying out this duty. The investigation adduced no evidence that the Union decided not to pursue your grievance based on any arbitrary, irrelevant or discriminatory considerations. Instead, the Union assessed the merits of your grievance, and concluded that it enjoyed no contractual support and thus should not be pursued. See *Vaca v. Sipes*, 386 U.S. 171 (1967); *Ford Motor Co. v. Huffman*, 345 U.S. 330 (1953).



February 21, 2012

Accordingly, further proceedings are not warranted and I am refusing to issue a complaint on this charge.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at [www.nlrb.gov](http://www.nlrb.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on March 6, 2012. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than March 5, 2012.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to [www.nlrb.gov](http://www.nlrb.gov), click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202) 273-4283. A request for an extension of time to file an appeal **must be received on or before** March 6, 2012. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

February 21, 2012

Very truly yours,

WAYNE R. GOLD  
Regional Director

Enclosure

CERTIFIED MAIL NO. 7010 0780 0000 3625 5134

cc General Counsel  
Office of Appeals  
Franklin Court Building  
National Labor Relations Board  
1099 14th Street, N.W.  
Washington, DC 20570

(b) (6), (b) (7)(C)

National Association of Police  
Organizations  
900 E. Fayette Street  
P.O. Box (b) (6), (b) (7)(C)  
Baltimore, MD 21233-1001

LaSandy K. Raynor, Esq.  
Legal Representative  
United States Postal Service  
Capital Metro Area Law Office  
8200 Corporate Drive  
Landover, MD 20785

Mr. Darnell Young  
Postmaster  
United States Postal Service  
900 E. Fayette Street  
Baltimore, MD 21233-1001



UNITED STATES OF AMERICA		<b>DO NOT WRITE IN THIS SPACE</b>	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
<b>CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS</b>		5-CB-74692	2/15/12
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name INTERNATIONAL UNION, SECURITY POLICE AND FIRE PROFESSIONALS OF AMERICA (SPFPA)		b. Union Representative to Contact DAVID L. HICKEY	
c. Address 25510 KELLY RD, ROSEVILLE, MI 48066-4932		d. Tel. No. (586)772-7250	e. Cell No.
		f. Fax No. (586)772-9644	g. e-Mail
e. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since about (b) (6), (b) (7)(C) 2011, the above-named labor organization has restrained and coerced employees by refusing to process the grievances of (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) discipline and (b) (6), (b) (7)(C) termination for arbitrary or discriminatory reasons or in bad faith.</p>			
3. Name of Employer SECTEK, INC.		4a. Tel. No. (703) 435-0970	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 11413 ISAAC NEWTON SQ S, RESTON, VA 20190-5005		6. Employer representative to contact WILFRED D. BLOOD	
7. Type of Establishment (factory, mine, wholesaler) OLD POST OFFICE PAVILION	8. Principal product or service SECURITY SERVICES	9. Number of Workers employed 25	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No.	11d. e-Mail
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
<b>12. DECLARATION</b>			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Person making charge		Tel No. (b) (6), (b) (7)(C)	
		Cell No. (b) (6), (b) (7)(C)	
		Fax No.	
Address: (b) (6), (b) (7)(C)		Date: 2-11-12	(b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION FIVE**

INTERNATIONAL UNION, SECURITY, POLICE AND  
FIRE PROFESSIONALS OF AMERICA (SPFPA)  
(SecTek, Inc.)

and

Case 5–CB–74692

**(b) (6), (b) (7)(C)**, AN INDIVIDUAL

**COMPLAINT AND NOTICE OF HEARING**

**(b) (6), (b) (7)(C)**, an individual, herein called the Charging Party, has charged that the International Union, Security, Police and Fire Professionals of America (SPFPA), herein called Respondent (or the Union), has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. The charge in this proceeding was filed by the Charging Party on February 15, 2012, and a copy was served by mail on Respondent on February 16, 2012.
2. (a) SecTek, Inc., a Virginia corporation with a main office in Reston, Virginia, and offices and work sites in the greater Washington metropolitan area, herein called the Employer, is engaged in the business of providing contract security services to various firms and institutions, including at the federal Department of Homeland Security offices in the Old Post Offices Pavilion in Washington, D.C., the only facility involved herein.

(b) During the past twelve months, a representative period, the Employer, in conducting its business operations described above in paragraph 2(a), performed services valued in excess of \$50,000 for the United States government in Washington, D.C.

(c) During the same period of time described above in paragraph 2(b), the Employer has purchased and received at its Washington, D.C. work site goods valued in excess of \$5,000 directly from points located outside the District of Columbia.

(d) At all material times, the Employer has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals have held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
	-	
	-	
	-	
	-	

5. (a) At all material times, by virtue of Section 9(a) of the Act, Respondent has been the exclusive, collective-bargaining representative of the following employees of the Employer, herein called the Unit:

All full-time and regular part-time security officers assigned to the following locations: Old Post Office, 950 L'Enfant Plaza, and Liberty Center, Washington, D.C. and Potomac Yard, Arlington VA.; but excluding all managers, supervisors, office and/or clerical employees, temporarily assigned employees, substitute employees, and all non-security employees of the Employer.



(b) At all material times, Respondent and the Employer, have maintained and enforced a collective-bargaining agreement covering conditions of the employment of the Unit and containing, among other provisions, a grievance and arbitration procedure. The effective dates of this collective-bargaining agreement are from January 1, 2009 through December 31, 2012.

6. On or about (b) (6), (b) (7)(C) 2011, the Employer issued discipline to the Charging Party for (b) (6), having parked on the loading dock without written supervisory permission.

7. (a) On or about (b) (6), (b) (7)(C) 2011, the Employer issued discipline to the Charging Party for (b) (6), having been asleep while on duty.

(b) The discipline issued to the Charging Party, as described above in paragraph 7(a), resulted in the accumulation of enough points to discharge the Charging Party.

(c) On or about (b) (6), (b) (7)(C) 2011, the Employer, based on the discipline described above in paragraphs 7(a) and 7(b), terminated the employment of the Charging Party.

8. (a) Since on or about (b) (6), (b) (7)(C) 2011, Respondent has failed and refused to accept or process a grievance concerning the discipline received by the Charging Party, referenced above in paragraph 6, which the Charging Party attempted to file under the provisions of the agreement described above in paragraph 4(b).

(b) Since on or about (b) (6), (b) (7)(C) 2011, Respondent has failed and refused to accept or process a grievance concerning the discipline received by the Charging Party, referenced above in paragraph 7(a) through 7(c), which the Charging Party attempted to file under the provisions of the agreement described above in paragraph 4(b).

(c) By engaging in the conduct set forth above in paragraphs 8(a) and 8(b), in connection with its representative status as described above in paragraph 5, Respondent has failed to represent the Charging Party for reasons that are unfair, arbitrary, and invidious, and has breached the fiduciary duty it owes to said employee and the Unit.

9. By the conduct described above in paragraph 8, Respondent has been restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(b)(1)(A) of the Act.

10. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

### **REMEDY**

In view of the unfair labor practices alleged above, the Acting General Counsel seeks an Order requiring Respondent to request the Employer to process grievances concerning the disciplines described above in paragraph 8.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations; it must file an answer to the consolidated complaint. The answer must be **received by this office on or before June 13, 2012, or postmarked on or before June 12, 2012.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov tab**, select **E-Filing** and then follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the

basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Sections 102.21. If an answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

### **NOTICE OF HEARING**

PLEASE TAKE NOTICE that commencing at 10:00 a.m., E.D.T., on the 29th day of August 2012, in Hearing Room 5600 East, 1099 14<sup>th</sup> Street, NW, Washington, DC, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to



be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Baltimore, Maryland this 30th day of May 2012.

(SEAL)

WAYNE R. GOLD

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Wayne R. Gold, Regional Director  
National Labor Relations Board, Region 5  
103 South Gay Street, 8th Floor  
Baltimore, Maryland 21202

Attachments

**IN THE MATTER OF**

No X (GAG)  
Initials

**PERFORMANCE** — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a complaint that will include the allegations spelled out above in the Scope of Agreement section. Thereafter, the General Counsel may file a motion for default judgment with the Board on the allegations of the complaint. The Charged Party understands and agrees that all of the allegations of the complaint will be deemed admitted and it will have waived its right to file an Answer to such complaint. The only issue that may be raised before the Board is whether the Charged Party defaulted on the terms of this Settlement Agreement. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

**NOTIFICATION OF COMPLIANCE** — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

<b>Charged Party</b> <b>INTERNATIONAL UNION, SECURITY,</b> <b>POLICE AND FIRE PROFESSIONALS OF</b> <b>AMERICA (SPFPA)</b>		<b>Charging Party</b> <b>(b) (6), (b) (7)(C)</b> , AN INDIVIDUAL	
By: Name and Title /s/ Gordon A. Gregory General Counsel, SPFPA	Date 5-31-12	By: Name and Title /s/ <b>(b) (6), (b) (7)(C)</b>	Date 6-1-12
Recommended By: /s/ Joshua D. Rosenberg Field Examiner	Date 6-6-12	Approved By: /s/ Wayne R. Gold Regional Director, Region 05	Date 6/21/12





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 05  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

January 9, 2013

James M. Moore, Esq.  
Gordon A. Gregory, Esq.  
Gregory, Moore, Jeakle & Brooks, P.C.  
65 Cadillac Square, Suite 3727  
Detroit, MI 48226

Re: International Union, Security, Police and  
Fire Professionals of America (SPFPA)  
Case 05-CB-074692

Dear Mr. Moore and Mr. Gregory:

The above-captioned case has been closed on compliance. However, this Office may institute further proceedings if subsequent violations occur.

Very truly yours,

Wayne R. Gold  
Regional Director

cc: Mr. David L. Hickey, President  
International Union, Security, Police and  
Fire Professionals of America (SPFPA)  
25510 Kelly Road  
Roseville, MI 48066

(b) (6), (b) (7)(C)

Mr. Wilfred D. Blood, CEO  
Sectek, Inc.  
11413 Isaac Newton Square S  
Reston, VA 20190

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

**DO NOT WRITE IN THIS SPACE**

Case  
5-CB-76018

Date Filed  
3/5/12

**INSTRUCTIONS:** File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT**

a. Name: International Union of Security, Police, Fire Professionals of America		b. Union Representative to contact: Joe McCray, President	
c. Phone: 586-772-7250	d. Address (street, city, state and ZIP code) 25510 Kelly Road, Roseville, Michigan		
e. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (UCA) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			

**2. Basis of the Charge:**

Since on or about (b) (6), (b) (7)(C) 2011, and at all times thereafter, the above-named Labor Organization, by its officers, agents and representatives restrained and coerced the employees of Sek-Tek, Inc. in the exercise of the rights guaranteed in Section 7 of the Act by accepting union dues from supervisory employees unlawfully compelled to join said Labor Organization.

3. Name of Employer: Sek-Tek, Inc.		4. Phone: 202-208-3033	
5. Location of plant involved: (street, city, state and ZIP code) 1100 Pennsylvania Avenue, NW		6. Employer representative to contact Captain Yolanda Hill	
7. Type of establishment: (factory, mine, wholesaler, etc.) Contracted Security Guards	8. Identify principal product or service: Security Services	9. Number of workers employed 40	
10. Full name of party filing charge: (b) (6), (b) (7)(C)			
11. Address of party filing charge: (street, city, state and ZIP code) (b) (6), (b) (7)(C)		12. Phone: (b) (6), (b) (7)(C)	
		13. Cell: (b) (6), (b) (7)(C)	
		Fax:	

**13. DECLARATION**

and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C) (signature of representative or person making charge) Is/ (b) (6), (b) (7)(C)		An individual (title or office, if any)	
(b) (6), (b) (7)(C) (Address)		Phone: (b) (6), (b) (7)(C)	02/20/2012 (date)
		Cell: (b) (6), (b) (7)(C) (Telephone No.)	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

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IO:



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
103 S GAY ST  
8TH FLOOR  
BALTIMORE, MD 21202-7500

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

April 26, 2012

Gordon A. Gregory, Esq.  
International Union, (SPFPA)  
Gregory, Moore, Jeakle & Brookes, P.C.  
65 Cadillac Square, Suite 3727  
Detroit, MI 48226

Re: International Union of Security, Police, Fire  
Professionals of America (Sek-Tek, Inc.)  
Case 05-CB-076018

Dear Mr. Gregory:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Wayne R. Gold

Wayne R. Gold  
Regional Director

cc: Mr. Joe McCray, President  
International Union of Security, Police,  
Fire Professionals of America  
25510 Kelly Rd.  
Roseville, MI 48066-4932

(b) (6), (b) (7)(C)

Ms. Yolanda Hill, Captain  
Sek-Tek, Inc.  
1100 Pennsylvania Ave., N.W.  
Washington, DC 20004-2501



UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case 5-CB-78534	Date filed 4/10/12
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a Name INTERNATIONAL UNION OF SECURITY, POLICE AND FIRE PROFESSIONALS OF AMERICA, LOCAL 294		b. Union Representative to Contact (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	
c Address (b) (6), (b) (7)(C)		d Tel. No. (b) (6), (b) (7)(C)	e Cell No.
		f Fax No.	g e-Mail (b) (6), (b) (7)(C)
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since on or about (b) (6), (b) (7)(C) 2011, and at all times thereafter, the above-named Labor Organization, by its officers, agents and representatives, restrained and coerced the employees of George Washington University Campus Police Department in the exercise of the rights guaranteed in Section 7 of the Act, by failing or refusing to process the grievance of (b) (6), (b) (7)(C)</p>			
3. Name of Employer GEORGE WASHINGTON UNIVERSITY		4a. Tel. No. 4c. Fax No. (202)994-6948	4b. Cell No. 4d. e-Mail kevinhay@upd.gwu.edu
5 Location of Plant involved (street, city, state, and ZIP code) 2033 G ST NW, WASHINGTON, DC 20052-0021		6. Employer representative to contact KEVIN HAY	
7 Type of Establishment (factory, mine, wholesaler) University Campus Police	8. Principal product or service Public Safety	9. Number of Workers employed 150	
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No.	
	11c. Fax No.	11d e-Mail (b) (6), (b) (7)(C)	
11 Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Representative or person making charge	An Individual	Tel No (b) (6), (b) (7)(C)	
	Print/type name and title or office, if any)	Cell No.	
Address. (b) (6), (b) (7)(C)	Date. March 19, 2012	e-Mail @ (b) (6), (b) (7)(C)	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
100 S CHARLES ST  
STE 600  
BALTIMORE, MD 21201-2700

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

June 22, 2012

(b) (6), (b) (7)(C)

Re: International Union of Security, Police and  
Fire Professionals of America, Local 294  
(George Washington University)  
Case 05-CB-078534

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that International Union of Security, Police and Fire Professionals of America, Local 294, has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlr.gov](http://www.nlr.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on July 6, 2012. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than July 5, 2012.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to

June 22, 2012

[www.nlrb.gov](http://www.nlrb.gov), click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202) 273-4283. A request for an extension of time to file an appeal **must be received on or before** July 6, 2012. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Wayne R. Gold

Wayne R. Gold  
Regional Director

Enclosure

cc: General Counsel  
Office of Appeals  
Franklin Court Building  
National Labor Relations Board  
1099 14<sup>th</sup> Street, N.W.  
Washington, DC 20570

Kevin Hay  
George Washington University  
2033 G Street, N.W.  
P.O. Box 125  
Washington, DC 20052-0021

(b) (6), (b) (7)(C)

International Union of Security, Police and  
Fire Professionals of America, Local 294

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, D.C. 20570

August 8, 2012

(b) (6), (b) (7)(C)

Re: International Union of Security, Police and  
Fire Professionals of America, Local 294  
(George Washington University)  
Case 05-CB-078534

Dear (b) (6), (b) (7)(C)

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of June 22, 2012. There was insufficient evidence that the Union breached its duty of fair representation towards you.

More specifically, unions are afforded wide discretion under the Act in the processing of grievances. Absent evidence that a union's decision not to process a particular grievance further was based on arbitrary or discriminatory considerations, no violation of the Act can be proven merely because a union decides not to proceed on a grievance. Here, the evidence indicated that the Union processed your grievance and met with the Employer on your behalf. The Union's decision not to process the grievance further was based on its good faith belief, after an analysis of the facts, that it would not be successful. There was insufficient evidence presented that the Union relied on unlawful considerations in making this determination.

In this regard, you argue that the Union arbitrarily dropped your grievance based on its determination that you were a probationary employee. You contend that based on your interpretation of the collective bargaining agreement, you in fact had just completed your probation period and pointed out that in fact your termination occurred two weeks after your probation period ended. Even assuming a contract provision supports the employee under one interpretation, and the union reasonably gives the contract another interpretation, the fact that the union's interpretation may be "wrong" (as others might see it) does not establish a violation of the union's duty of fair representation. Washington-Baltimore Newspaper Guild (CWA), 239 NLRB 1321 (1979). So long as the union makes some inquiry into the facts and/or so long as the union's contract interpretation has some basis in reason, the union's refusal to process the grievance will not be considered arbitrary. The objective evidence indicates that the Union

realized the timing of the incident raised a close question of what your status was at the time. It made a good faith investigation of that issue, noting documentation that when you were notified on October 6, 2010, that you would be converted to full-time status effective October 17, 2010, the 365 probation period was calculated to be October 18, 2011; that the University policy is to calculate shifts for payment purposes, etc. as of the start of the shift — in this case October 16, 2011; and, the discipline that was imposed was based on an incident that occurred during your probation period. For these reasons, even assuming another interpretation could be reached, the Union's conclusion was reasonable and not motivated by any unlawful considerations.

To the extent that you believe the Union's grievance was handled in an arbitrary manner because it was mostly handwritten and created shortly before the deadline ran out, there is no evidence that the grievance was dropped either because of its form or when it was filed. Rather, the Union's decision concerning your grievance was based on its good faith assessment of the merits of your claim.

Finally, although you contend that the Union did not provide you with requested documents, even assuming, but without finding, that the Union was negligent in not getting you the requested materials, such conduct would not rise to level of an unfair labor practice. The Board has held that merely negligent action or inaction by a union does not alone constitute a breach of the union's statutory duty of fair representation. OPEIU, Local 2, 268 NLRB 1353 (1984); Teamsters Local 692 (Great Western Unifreight System), 209 NLRB 446, 448 (1974). Moreover, the evidence indicates that the Union agent believed he had sent you the requested documents and apparently such documents may have been lost in the mail.

For these reasons, there is no basis upon which to issue complaint, and further proceedings are unwarranted.

Sincerely,

Lafe E. Solomon  
Acting General Counsel

By:

A handwritten signature in black ink that reads "Yvonne T. Dixon". The signature is written in a cursive, flowing style.

---

Yvonne T. Dixon, Director  
Office of Appeals

International Union of Security, Police and  
Fire Professionals of America, Local 294  
(George Washington University)  
Case 05-CB-078534

-3

cc: WAYNE R. GOLD  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS  
BOARD  
BANK OF AMERICA CENTER,  
TOWER II  
100 S CHARLES ST STE 600  
BALTIMORE, MD 21201

KEVIN HAY  
GEORGE WASHINGTON  
UNIVERSITY  
2033 G ST NW  
PO BOX 125  
WASHINGTON, DC 20052-0021

(b) (6), (b) (7)(C)

INTERNATIONAL UNION OF  
SECURITY, POLICE AND FIRE  
PROFESSIONALS OF AMERICA,  
LOCAL 294

(b) (6), (b) (7)(C)

mjb



UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case	Date filed
		5-CB-081020	5/10/12
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a Name INTERNATIONAL UNION SECURITY POLICE & FIRE PROFESSIONALS OF AMERICA (SPFPA)		b Union Representative to Contact Joseph McCray	
c Address 25510 KELLY RD, ROSEVILLE, MI 48066-4932		d Tel. No. 1-800-228- 7492	e Cell No.
		f Fax No. 732-388-5620	g e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Since (b) (6), (b) (7)(C) 2012, the above-named labor organization has restrained and coerced employees by refusing to process the grievance of (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) discharge for arbitrary or discriminatory reasons or in bad faith.			
3 Name of Employer Trinity Protection Service		4a Tel. No. 301-333-7450	4b Cell No.
		4c Fax No. 301-333-7485	4d e-Mail
5 Location of Plant involved (street, city, state, and ZIP code) 9315 Largo Drive, West Suite 170, Largo, MD 20774		6 Employer representative to contact Leslie Brown	
7 Type of Establishment (factory, mine, wholesaler) Government contractor	8 Principal product or service Security services	9 Number of Workers employed 100 +	
10 Full name of party filing charge (b) (6), (b) (7)(C)		11a Tel. No.	11b Cell No. (b) (6), (b) (7)(C)
		11c Fax No.	11d e-Mail
11 Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By (b) (6), (b) (7)(C)		AN INDIVIDUAL	
(signature of representative or person making charge) (b) (6), (b) (7)(C)		Print/type name and title or office, if any)	
(b) (6), (b) (7)(C)		Date 05-10-2012	e-Mail

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

July 20, 2012

(b) (6), (b) (7)(C)

Re: International Union, Security, Police & Fire  
Professionals of America (SPFPA)  
(Trinity Protection Services)  
Case 05-CB-081020

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Union, Security, Police & Fire Professionals of America (SPFPA) has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlr.gov](http://www.nlr.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

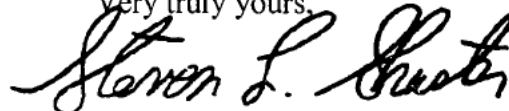
**Means of Filing:** An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on August 3, 2012. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than August 2, 2012.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before** July 31, 2012. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Steven L. Shuster  
Acting Regional Director

Enclosure

cc GENERAL COUNSEL  
OFFICE OF APPEALS  
FRANKLIN COURT BUILDING  
NATIONAL LABOR RELATIONS BOARD  
1099 14<sup>TH</sup> STREET, NW  
WASHINGTON, DC 20570

MR. JOSEPH MCCRAY  
INTERNATIONAL UNION, SECURITY, POLICE  
& FIRE PROFESSIONALS OF AMERICA  
25510 KELLY RD.  
ROSEVILLE, MI 48066-4932

MR. LESLIE BROWN  
TRINITY PROTECTION SERVICES  
9315 LARGO DR., W., STE. 170  
LARGO, MD 20774-4755



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE	
Case No. 5-CB-81031	Date Filed 5/14/2012

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name  Security, Police, Fire Professionals of America (SPFPA)	b. Union Representative to contact  Rick O'Quin
c. Address (Street, city, state, and ZIP code)  25510 Kelly Road Roseville MI 48066	d. Tel. No. 321 622-4729 e. Cell No. 321 543-3310 f. Fax No. g. e-Mail

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8 (b) (1) (a) 9 (a) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The Union by its Agents and Representatives on (b) (6), (b) (7)(C) 2012 and ongoing continues to handle Grievance (b) (6), (b) (7)(C) in a perfunctory manner and arbitrarily failed to process grievance in a timely manner.

The Union by its Agents and Representatives on (b) (6), (b) (7)(C) 2012 intervened on Grievance (b) (6), (b) (7)(C) and denied grievant (b) (6) rights pursuant to NLRB - Section 9 (a)

3. Name of Employer  Newport News Shipbuilding (HII)	4a. Tel. No. 757 380-2000 c. Fax No.	b. Cell No. d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 4101 Washington Ave. Newport News, Va. 23607	6. Employer representative to contact Chris Hoyer	
7. Type of establishment (factory, mine, wholesaler, etc.) Shipbuilding	8. Identify principal product or service Naval Ship	9. Number of workers employed Approx. 15,000
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. c. Fax No.	b. Cell No. (b) (6), (b) (7)(C) d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)		

12. DECLARATION (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) I, (b) (6), (b) (7)(C), declare that the statements herein are true to the best of my knowledge and belief. Signature of representative or person making charge (Print/type name and title or office, if any) (b) (6), (b) (7)(C) Address (date) 5/7/12		Tel. No. Cell No. (b) (6), (b) (7)(C) Fax No. e-Mail
--	--	--

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

July 30, 2012

GORDON A.GREGORY, ESQ.  
GREGORY MOORE JEAKLE & BROOKS, PC  
65 CADILLAC SQUARE  
STE. 3727  
DETROIT, MI 48226-2893

Re: International Union, Security, Police and  
Fire Professionals of America (SPFPA)  
(Newport News Shipbuilding HII)  
Case 05-CB-081031

Dear Mr. Gregory:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

WAYNE R. GOLD  
Regional Director

cc: RICK O'QUIN  
SECURITY, POLICE AND FIRE  
PROFESSIONALS OF AMERICA  
(SPFPA)  
25510 KELLY RD.  
ROSEVILLE, MI 48066-4932

CHRIS HOYER  
NEWPORT NEWS SHIPBUILDING  
(HII) HUNTINGTON INGALLS  
INDUSTRIES  
4101 WASHINGTON AVE.  
NEWPORT NEWS, VA 23607-2734

DEAN C. BERRY, ESQ.  
NEWPORT NEWS SHIPBUILDING  
(HII) HUNTINGTON INGALLS  
INDUSTRIES  
4101 WASHINGTON AVE.  
NEWPORT NEWS, VA 23607-2734

(b) (6), (b) (7)(C)



UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		5-CB-82665	6/7/12
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name INTERNATIONAL UNION, SECURITY, POLICE, AND FIRE PROFESSIONALS OF AMERICA (SPFPA)		b. Union Representative to Contact (b) (6), (b) (7)(C)	
c. Address (b) (6), (b) (7)(C) KELLY ROAD, ROSEVILLE, MI 48066		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No. (b) (6), (b) (7)(C)
		f. Fax No. (586)772-9644	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>In the last six months, the above-named labor organization has restrained and coerced employees by refusing to process the grievance and by refusing to arbitrate the grievance of (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) grievance concerning (b) (6), (b) (7)(C) indefinite suspension for arbitrary or discriminatory reasons or in bad faith.</p>			
3. Name of Employer Master Security Company, LLC.		4a. Tel. No. (202)374-6008	4b. Cell No. (202)374-6008
		4c. Fax No. (410)584-8794	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 10946 BEAVER DAM RD, COCKEYSVILLE, MD 21030-2211		6. Employer representative to contact IAN KANSKI, VICE PRESIDENT	
7. Type of Establishment (factory, mine, wholesaler) Security	8. Principal product or service Security Services	9. Number of Workers employed 110	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No.
		11c. Fax No. (301)317-1931	11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: (b) (6), (b) (7)(C)		An Individual	Tel. No. (b) (6), (b) (7)(C)
(signature of representative or person making charge) (b) (6), (b) (7)(C)		Print/type name and title or office, if any	Cell No.
Address: (b) (6), (b) (7)(C)		Date: 6-7-12	Fax No. (b) (6), (b) (7)(C)
			e-Mail (b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

July 31, 2012

(b) (6), (b) (7)(C)

INTERNATIONAL UNION OF SECURITY,  
POLICE & FIRE PROFESSIONALS  
OF AMERICA, LOCAL 114  
25510 KELLY ROAD.  
ROSEVILLE, MI 48066-4932

Re: International Union, Security, Police and  
Fire Professionals of America (SPFPA)  
Master Security Company, LLC  
Case 05-CB-082665

Dear (b) (6), (b) (7)(C)

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

WAYNE R. GOLD  
Regional Director

cc: GORDON A. GREGORY, ESQ.  
GREGORY MOORE JEAKLE  
HEINEN & BROOKS, P.C.  
65 CADILLAC SQUARE  
SUITE 3727  
DETROIT, MI 48226-2893

IAN KANSKI  
VICE PRESIDENT  
MASTER SECURITY COMPANY LLC  
10946 BEAVER DAM ROAD.  
SUITE D  
HUNT VALLEY, MD 21030-2223

(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
<b>CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS</b>		05-CB-085653	07/19/2012
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name  INTERNATIONAL UNION SECURITY, POLICE AND FIRE PROFESSIONAL OF AMERICA, LOCAL 287		b. Union Representative to Contact  (b) (6), (b) (7)(C)	
c. Address 25510 KELLY ROAD ROSEVILLE, MI 48066		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No. (b) (6), (b) (7)(C)
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since on or about (b) (6), (b) (7)(C) 2012, and at all times thereafter, the above-named Labor Organization, by its officers, agents and representatives, restrained and coerced the employee of Coastal International Security at the Ronald Regan Building, in the exercise of the rights guaranteed in Section 7 of the Act, by failing and refusing to provide employees with requested information regarding contract clauses pertaining to seniority and the ability of shop stewards to bump more senior officers and by telling employees that the Union would not waste its time with such request.</p>			
3. Name of Employer  COASTAL INTERNATIONAL SECURITY		4a. Tel. No. (202) 525-1991	4b. Cell No. (703) 339-0233
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1300 PENNSYLVANIA AVE., NW, WASHINGTON, DC 20004		6. Employer representative to contact NKRUMAH WILLIAMS, CONTRACT MANAGER	
7. Type of Establishment (factory, mine, wholesaler) GOVERNMENT BUILDING	8. Principal product or service SECURITY	9. Number of Workers employed 400+ 300+	
10. Full name of party filing charge  (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No.
		11c. Fax No.	11d. e-Mail
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: (b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	
AN INDIVIDUAL		Tel No. (b) (6), (b) (7)(C)	
(signature of representative or person making charge) (b) (6), (b) (7)(C)		Cell No.	
Print/type name and title or office, if any		Fax No.	
Address (b) (6), (b) (7)(C)		Date: July 16	e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes (b) (6), (b) (7)(C)



UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
		Case	Date filed
FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		05-CB-085653	8/10/12
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name INTERNATIONAL UNION SECURITY POLICE AND FIRE PROFESSIONALS OF AMERICA, LOCAL 287		b. Union Representative to Contact (b) (6), (b) (7)(C)	
c. Address 25510 KELLY RD ROSEVILLE, MI 48066-4932		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No. (b) (6), (b) (7)(C)
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A), (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since on or about (b) (6), (b) (7)(C) 2012, and at all times thereafter, the above-named Labor Organization, by its officers, agents and representatives, restrained and coerced the employees of Coastal International Security, Inc. at the Ronald Reagan Building, in the exercise of the rights guaranteed in Section 7 of the Act, by telling employees that the Union would not waste its time with providing information regarding contract clauses pertaining to seniority and the ability of shop stewards to bump more senior officers, and has caused and / or attempted to cause Coastal International Security, Inc. to discriminate against its employee (b) (6), (b) (7)(C) by giving contractual superseniority to shop stewards for reasons other than layoff and recall.</p>			
3. Name of Employer COASTAL INTERNATIONAL SECURITY, INC.		4a. Tel. No. (202) 525-1991	4b. Cell No. (703) 339-0233
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1300 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20004		6. Employer representative to contact NKRUMAH WILLIAMS, CONTRACT MANAGER	
7. Type of Establishment (factory, mine, wholesaler) GOVERNMENT CONTRACTORS	8. Principal product or service SECURITY	9. Number of Workers employed 300	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No.
		11c. Fax No.	11d. e-Mail
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: (b) (6), (b) (7)(C)		(b) (6), (b) (7)(C) AN INDIVIDUAL	Tel. No. (b) (6), (b) (7)(C)
(signature of representative or person making charge)		Print/type name and title or office, if any)	Cell No.
Address: (b) (6), (b) (7)(C)		Date: 8/9/12	Fax No.
			e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

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**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 5**

INTERNATIONAL UNION, SECURITY,  
POLICE AND FIRE PROFESSIONALS  
OF AMERICA (SPFPA), AND ITS  
AMALGAMATED LOCAL 287  
(Coastal International Security, Inc.)

and

Case 5-CB-85653

(b) (6), (b) (7)(C), AN INDIVIDUAL

**COMPLAINT AND NOTICE OF HEARING**

(b) (6), (b) (7)(C), an individual, herein called (b) (6), (b) (7)(C) has charged that International Union, Security, Police and Fire Professionals of America (SPFPA), and its Amalgamated Local 287, herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. (a) The original charge in this proceeding was filed by (b) (6), (b) (7)(C) on July 19, 2012, and a copy was served by mail on Respondent on July 20, 2012.

(b) The first amended charge in this proceeding was filed by (b) (6), (b) (7)(C) on August 10, 2012, and a copy was served by mail on Respondent on August 14, 2012.

2. (a) At all material times, Coastal International Security, Inc., herein called the Employer, has been a South Carolina corporation with an office and place of business in the District of Columbia, and has been engaged in providing security services to various firms and institutions, including the United States Government at the Ronald Reagan Building and International Trade Center in the District of Columbia.

(b) During the preceding twelve-month period, a representative period, Respondent, in conducting its business operations described above in paragraph 2(a), performed services valued in excess of \$50,000 in states other than the District of Columbia.

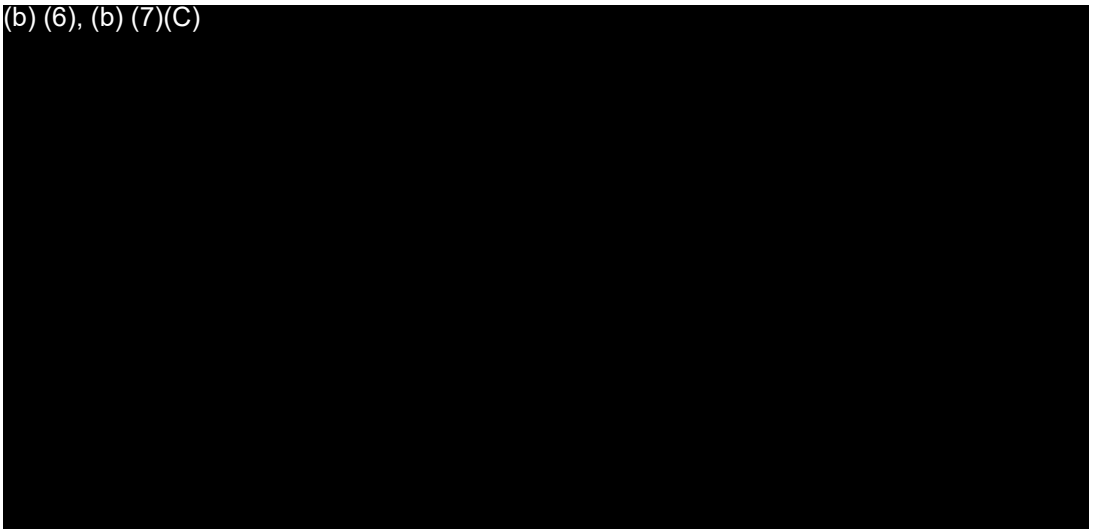
(c) During the preceding twelve-month period, a representative period, Respondent, in conducting its business operations described above in paragraph 2(a), performed services valued in excess of \$50,000 within the District of Columbia.

(d) At all material times, the Employer has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. At all material times, Respondent has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals have held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)



5. On or about June 22, 2012, Respondent, by (b) (6), (b) (7)(C), in a telephone conversation, told employees it would not waste its time with providing them information regarding contract clauses pertaining to seniority and the ability of shop stewards to bump more senior officers.

6. (a) On or about July 29, 2011, the Employer and Respondent entered into, and since then have maintained, an agreement which provides:

(i) Section 12.4 – Union Seniority: Union stewards shall be entitled to top union seniority at the facility to the fullest extent by law.

(ii) Section 16.1 – Seniority Lists: Seniority shall be defined as an Employee's total length of continuous service with the Employer from the Employee's date of hire by the Employer at any location or by any predecessor contractor performing similar services at the same facility. The Employer's Site Manager shall provide the Union with copies of all seniority lists at least once every six months. For purposes of this Article, "qualified" shall mean that the Employee meets all requirements including, but not limited to, security clearances, established by the pertinent Government agency for which services are being, or will be, performed.

(b) On or about June 22, 2012, Respondent applied, and attempted to apply, the agreement described above in paragraph 6(a)(i), for purposes other than layoff or recall, or a preference to officials other than those officials who must be on the job to accomplish duties which are directly related to contract administration and/or grievance processing.

(c) By engaging in the conduct described above in paragraph 6(b), Respondent has caused, and attempted to cause, the Employer to discriminate against employees who are not shop stewards of the Union by denying the employees the right to seniority, as described above in paragraph 6(a)(ii), for bidding purposes.

7. By the conduct described above in paragraph 5, Respondent has been restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(b)(1)(A) of the Act.

8. By the conduct described above in paragraphs 6(b) through 6(c), Respondent has been attempting to cause, and causing, an employer to discriminate against its employees in violation of Section 8(a)(3) of the Act in violation of Section 8(b)(2) of the Act.

9. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.



### **REMEDY**

WHEREFORE, as part of the remedy for the unfair labor practices alleged above, the Acting General Counsel seeks an Order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination.

The Acting General Counsel further seeks, as part of the remedy for the allegations in paragraphs 6(b) and 6(c), that Respondent be required to submit the appropriate documentation to the Social Security Administration so that when backpay is paid, it will be allocated to the appropriate periods.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations; it must file an answer to the complaint. The answer must be **received by this office on or before November 1, 2012, or postmarked on or before October 31, 2012.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov tab**, select **E-Filing** and then follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See

Sections 102.21. If an answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

### **NOTICE OF HEARING**

PLEASE TAKE NOTICE that commencing at 10:00 a.m., E.S.T., on the 17th day of December 2012, in Hearing Room 5600 East, 1099 14<sup>th</sup> Street, NW, Washington, DC, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Baltimore, Maryland this 18th day of October 2012

(SEAL)

WAYNE R. GOLD

---

Wayne R. Gold, Regional Director  
National Labor Relations Board, Region 5  
Bank of America Center -Tower II  
100 South Charles Street, Suite 600  
Baltimore, Maryland 21201

Attachments

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION FIVE**

International Union, Security, Police  
and Fire Professionals of America (SPFPA),  
Local Union 287  
(Coastal International Security, Inc.)

Case 5-CB-85653

Respondent,

and

(b) (6), (b) (7)(C), An Individual,

Charging Party

---

**RESPONDENT'S ANSWER TO COMPLAINT  
AND AFFIRMATIVE DEFENSES**

Respondent International Union, Security, Police and Fire Professionals of America (SPFPA), Local 287 answers the Complaint as follows:

1. (a) Admit only that a charge dated July 19, 2012, that was filed by (b) (6), (b) (7)(C) was sent via email from NLRB Region 5 to Respondent on July 31, 2012.  
  
Respondent was not served by mail.

(b) Respondent lacks sufficient knowledge of the allegations as it was not served with a copy of an amended charge and is unaware that an amended charge exists.

2. (a) Upon information and belief, admit.  
(b) Admit.  
(c) Admit.  
(d) Admit.

3. Admit.
4. Admit.
5. Deny.
6. (a) Admit.  
(b) Deny.  
(c) Deny.
7. Deny.
8. (a) Deny.  
(b) Deny.
8. Deny.
9. Deny.

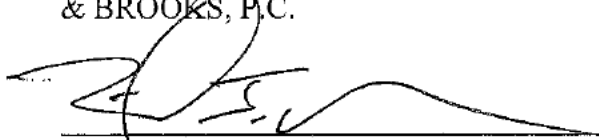
#### **AFFIRMATIVE DEFENSES**

- A. Charging Party has failed to exhaust (b) (6), (c) internal union remedies.
- B. Charging Party has not alleged any act that even if proven establishes a violation by Respondent.
- C. Charging Party could have filed a grievance on (b) (6), (c) own and failed to do so.
- D. Charging Party waived (b) (6), (c) right to file the Charge and/or Amended Charge by failing to comply with the terms of the Collective Bargaining Agreement relating to the filing of a grievance.
- E. Charging Party failed to properly serve the Charge upon Respondent.
- E. The Complaint fails to state a claim upon which relief can be granted.

WHEREFORE, it is requested that the Complaint be dismissed.

Respectfully submitted,

GREGORY, MOORE, JEAKLE  
& BROOKS, P.C.



Michael J. Akins  
65 Cadillac Square, Suite 3727  
Detroit, MI 48226  
(313) 964-5600  
Attorneys for Respondents

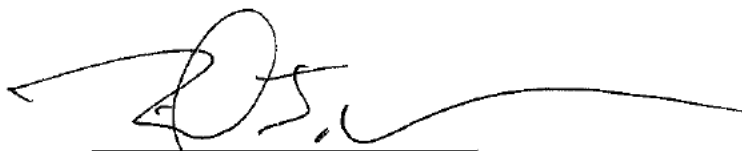

Dated: November 1, 2012

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served by first class mail today upon the following:

Wayne R. Gold, Regional Director  
NLRB Region 5  
103 South Gay Street, 8<sup>th</sup> Floor  
Baltimore, MD 21202

(b) (6), (b) (7)(C)



Michael J. Akins  
Dated: November 1, 2012

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
SETTLEMENT AGREEMENT

**IN THE MATTER OF**

**International Union, Security, Police and Fire Professionals of America (SPFPA) and its Amalgamated Local 287 (Coastal International Security, Inc.)**      **Case 05-CB-085653**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

**POSTING AND MAILING OF NOTICES** — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notices to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in prominent places around its facilities at 25510 Kelly Road, Roseville, Michigan 48066, any other office of International Union, Security, Police and Fire Professionals of America (SPFPA) Amalgamated Local 287, and the Ronald Reagan Building at 1300 Pennsylvania Avenue NW, Washington, DC, 20004 in each of the government agencies where employees we represent work, including the Environmental Protection Agency (EPA), General Services Administration (GSA), U.S. Agency for International Development (USAID), and U.S. Customs and Border Protection, including all places where the Charged Party normally posts notices to employees. The Charged Party will also copy and mail, at its own expense, a copy of the attached Notice to all current employees we represent and former employees we represent and/or represented who were employees at any time since June 22, 2012. Those Notices will be signed by a responsible official of the Charged Party and show the date of mailing. The Charged Party will provide the Regional Director written confirmation of the date of mailing and a list of names and addresses of employees to whom the Notices were mailed.

**COMPLIANCE WITH NOTICE** — The Charged Party will comply with all the terms and provisions of said Notice.

**NON-ADMISSION CLAUSE** — By entering into this Settlement Agreement, the Charged Party does not admit that it has violated the National Labor Relations Act.

**SCOPE OF THE AGREEMENT** — This Agreement settles only the allegations in the above-captioned case(s), including those in the attached Notice to Employees, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

**PARTIES TO THE AGREEMENT** — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

**AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY** — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter



describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes     MJA     No             
Initials Initials

**PERFORMANCE** — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the complaint previously issued on October 18, 2012, in the instant case(s). Thereafter, the General Counsel may file a motion for default judgment with the Board on the allegations of the complaint. The Charged Party understands and agrees that the allegations of the aforementioned complaint will be deemed admitted and its Answer to such complaint will be considered withdrawn. The only issue that may be raised before the Board is whether the Charged Party defaulted on the terms of this Settlement Agreement. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

**NOTIFICATION OF COMPLIANCE** — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

<b>Charged Party</b> <b>INTERNATIONAL UNION, SECURITY,</b> <b>POLICE AND FIRE PROFESSIONALS OF</b> <b>AMERICA (SPFPA) AND ITS</b> <b>AMALGAMATED LOCAL 287</b>		<b>Charging Party</b> <b>(b) (6), (b) (7)(C)</b> , AN INDIVIDUAL	
By: Name and Title /s/ Michael J. Akins Attorney for SPFPA	Date 12/7/12	By: Name and Title /s/ (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	Date 12/18/12
Recommended By: /s/ Daniel M. Heltzer Field Attorney	Date 12/28/12	Approved By: /s/ Wayne R. Gold Regional Director, Region 5	Date 12/28/12



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

June 3, 2013

Michael J. Akins, Esq.  
Gregory, Moore, Jeakle & Brooks, P.C.  
The Cadillac Tower  
65 Cadillac Square, Suite 3727  
Detroit, MI 48226

Re: International Union, Security, Police and  
Fire Professionals of America (SPFPA)  
and its Amalgamated Local 287  
(Coastal International Security, Inc.)  
Case 05-CB-085653

Dear Mr. Akins:

The above-captioned case has been closed on compliance. However, this Office may institute further proceedings if subsequent violations occur.

Very truly yours,

A handwritten signature in black ink that reads "Wayne R. Gold". The signature is written in a cursive, flowing style.

Wayne R. Gold  
Regional Director

cc: Mr. Joe McCray, Local President  
International Union, Security, Police  
and Fire Professionals of America  
(SPFPA) and its Local 287  
25510 Kelly Road  
Roseville, MI 48066

(b) (6), (b) (7)(C)

A large black rectangular redaction box covers the bottom portion of the document, obscuring any text that might have been there.